

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

RUSSELL ALLEN BLACK,

Plaintiff,

v.

CIVIL ACTION NO. 3:19-0581

JAMES MCCORMICK and
PENNY MCCORMICK,

Defendants.

ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Proposed Findings of Fact and Recommendations (ECF No. 7) and recommends that the Court dismiss the Complaint (ECF No. 2) for lack of subject matter. Plaintiff Russell Allen Black objects to this action being dismissed. However, the Court **FINDS** that Plaintiff's objection provides no argument or explanation of any error he perceives in the Proposed Findings of Fact and Recommendation; nor does he make any argument or explanation regarding subject matter jurisdiction. In fact, the exact same objection was filed in two other actions, and the objection appears to relate to one of the other actions, not this one.¹ As with the other actions, nothing in the objection provides any basis for this Court to reject or modify the Proposed Findings of Fact and Recommendations.


¹The other actions Plaintiff filed are *Black v. West Virginia*, 3:19-00561 (S.D. W. Va. July 31, 2019), and *Black v. Hammers*, 3:19-00582 (S.D. W. Va. Aug. 7, 2019). The Court denied Plaintiff's objections in those actions and dismissed them on October 2, 2019. *See Mem. Op. and Order*, 3:19-00561, ECF No. 12; *Mem. Op. and Order*, 3:19-00582, ECF No. 11.

Accordingly, the Court **ADOPTS AND INCORPORATES** herein the Findings of Fact and Recommendations of the Magistrate Judge, **DISMISSES** the Complaint **WITH PREJUDICE**, and **REMOVES** this matter from the docket of the Court.

The Court also **DENIES** Plaintiff's letter-form motion that the collection of filing fee payments from his prisoner account be terminated if this case is dismissed. The filing fee already has been assessed and will continue to be collected regardless of the status of his case. Therefore, the Order (ECF No. 5) directing that the filing fee be paid will remain in place.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: December 6, 2019



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE